

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DERWIN DEWAYNE JONES,

Plaintiff,

-vs-

Case No. 13-CV-505

STEPHANIE GWYNN, et al.,

Defendants.

DECISION AND ORDER

The plaintiff has filed a request to pay the remainder of the filing fee from his release account. He asserts that he owes \$143.01. However, court records indicate that he still owes \$151.65.

The Prison Litigation Reform Act requires the court to collect the filing fee from a “prisoner’s account.” 28 U.S.C. § 1915(b). The term “prisoner’s account” encompasses both a prisoner’s release account and general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, “given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the court does not deem it prudent to routinely focus on the release account as the initial source of funds to satisfy the filing fee payment requirements of the PLRA.” *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the court will allow a plaintiff to pay a filing

fee out of his release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

The plaintiff's desire to have the remainder of the filing fee (\$151.65) deducted from his release account is clear and he asserts that he has sufficient funds in his release account to do so.

NOW, THEREFORE, IT IS HEREBY ORDERED that the plaintiff's motion to pay the remainder of the filing fee from release account (ECF No. 25) is **granted**.

IT IS FURTHER ORDERED that the Warden at Racine Correctional Institution shall withdraw \$151.65 from the plaintiff's release account and forward that sum to the Clerk of this Court as payment of the remainder of filing fee in this action.

IT IS FURTHER ORDERED that a copy of this order be sent to the warden of Racine Correctional Institution.

Dated at Milwaukee, Wisconsin, this 22nd day of June, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge